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IN THE

Supreme Court of the United States

OCTOBER TERM, A. D. 1961.

NO. 898

BEATRICE LYNUM,

Petitioner,

vs.

THE PEOPLE OF THE STATE OF ILLINOIS,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF ILLINOIS.

BRIEF FOR RESPONDENT, ILLINOIS, IN OPPOSITION TO THE PETITION FOR CERTIORARI.

NO FEDERAL CONSTITUTIONAL QUESTION WAS RAISED AT ANY TIME IN THE STATE COURTS. THEREFORE NO FEDERAL QUESTION IS PRESENTED.

Although petitioner did object to the introduction of her confession on the ground that it was involuntary, it

does not appear that she invoked any provision of the Constitution or other laws of the United States at any time or at any stage of this case while it was pending in the courts of Illinois.

This Court's Rule 23, Paragraph (f) provides:

> "If review of the judgment of a state court is sought, the statement of the case shall also specify the stage in the proceedings in the court of first instance and in the appellate court, at which, and in the manner in which, the federal questions sought to be reviewed were raised."

No such statement occurs in the petition because there does not appear to be any basis in the record for such a statement.

ARGUMENT.

I.

Certiorari must be denied because it does not appear that petitioner raised any federal question at any time during or at any stage of this case in the state courts.

The requirement that a petitioner for this court's writ of *certiorari* must appropriately raise and aptly preserve for review a federal question is prerequisite to this court's jurisdiction.

Although this court does have discretion on application for *certiorari* to decline to review a case from a state or lower federal court even though a federal question was properly raised in the state court, this court's jurisdiction to review that question does not obtain if the question has not been preserved for appellate review in the state's highest court that had jurisdiction to pass upon the question. See *Parker* v. *Illinois*, 313 U. S. 500, in which this court, having granted *certiorari* to reach important federal questions in the field of freedom of speech, freedom of public assembly and due process with respect to alleged summary limitation of those freedoms by exertion of the power to punish for contempt, dismissed that case without decision on the merits when it appeared on full argument that even though the Fourteenth Amendment had been properly invoked in the trial court, the point was waived because it was not preserved under Illinois' principles of appellate judicature.